

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

**IN RE: BOSTON SCIENTIFIC CORP.
PELVIC REPAIR SYSTEM
PRODUCTS LIABILITY LITIGATION**

MDL NO. 2326

**PRETRIAL ORDER NO. 180
Order Re: Qualified Settlement Fund –
Boston Scientific Corp. & Childers, Schlueter & Smith, LLC**

Pending is an Unopposed Motion for Approval of the CSS BSC Qualified Settlement Fund, filed April 4, 2018. [ECF No. 5633]. Childers, Schlueter & Smith, LLC (“CSS”), as counsel for certain plaintiffs in this MDL No. 2326, hereby move for entry of an Order to aid in the efficient processing and administration of a confidential settlement agreement (the “Settlement Agreement”) between CSS and Defendant Boston Scientific Corp. (“Boston Scientific”) (CSS and Boston Scientific, together, the “Parties) to resolve the claims of certain claimants against Boston Scientific relating to the implant of Boston Scientific Pelvic Repair Products (as defined in the Settlement Agreement).

In particular, the Motion seeks an Order (1) approving the CSS BSC Escrow Agreement (the “Escrow Agreement”) which forms a settlement escrow account named the CSS BSC Settlement Escrow Account (the “Settlement Escrow”), (2) retaining continuing jurisdiction and supervision over the Settlement Escrow, and (3) determining that the Settlement Escrow constitutes a “qualified settlement fund” within the meaning of section 468B of the Internal Revenue Code of 1986, as amended (the “Code”) and Treasury Regulation sections 1.468B-1, *et. seq.*

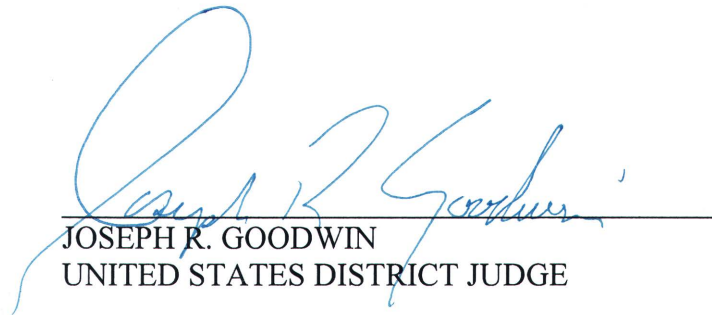
The Court, having reviewed the Motion and Escrow Agreement, and finding good and sufficient cause, **FINDS** and **ORDERS** the following:

- 1) The Unopposed Motion for Approval of Qualified Settlement Fund is **GRANTED** [ECF No. 5633].
- 2) The terms of the Escrow Agreement are hereby approved;
- 3) The Settlement Escrow constitutes a qualified settlement fund within the meaning of section 468B of the Internal Revenue Code of 1986, as amended (“the Code”) and Treasury Regulation sections 1.468B-1, *et. seq.*
- 4) The Court will retain continuing jurisdiction and supervision over the Settlement Escrow, in accordance with the terms of the Escrow Agreement.
- 5) The Court approves the appointment of Amegy Bank, a division of Zions Corp, N.A., as Escrow Agent and The Settlement Alliance, LLC, as the administrator of the Settlement Escrow, pursuant to the terms and conditions of The Escrow Agreement. Further, the funds held by the Escrow Agent in the Settlement Escrow shall be disbursed by the Escrow Agent only pursuant to and in conformance with the terms of the Escrow Agreement and Settlement Agreement, which include provisions for payments into the MDL 2326 Fund.

The court **DIRECTS** the Clerk to file a copy of this order in 2:12-md-2326 and it shall apply to each member related case previously transferred to, removed to, or filed in this district *where applicable*, which includes counsel in all member cases where applicable. In cases subsequently filed in this district, a copy of the most recent pretrial order will be provided by the Clerk to counsel appearing in each new action at the time of filing of the complaint. In cases subsequently removed or transferred to this court, a copy of the most recent pretrial order will be provided by the clerk to counsel appearing in each new action upon removal or transfer. It shall be

the responsibility of the parties to review and abide by all pretrial orders previously entered by the court. The orders may be accessed through the CM/ECF system or the court's website at www.wvsd.uscourts.gov.

ENTER: April 30, 2018



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE